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China, Peoples Republic of

Food and Agricultural Import Regulations and Standards

China Streamlines Food Label Approval Process 2006

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Report Highlights:

On March 27, 2006, China's General Administration of Quality Supervision, Inspection, and Quarantine (AQSIQ) announced that, effective April 1, 2006, it would no longer require a separate approval process for labels used on imported and exported foods and cosmetics. Approval of the label will be conducted as part of the import inspection at the port of entry. This report is a free UNOFFICIAL translation provided for the benefit of U.S. exporters by the USDA FAS Agricultural Affairs Office in Beijing.

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On March 27, 2006, the General Administration of Quality Supervision, Inspection, and Quarantine (AQSIQ) released its Announcement No. 44 2006, "Adjustment of Import/Export Food and Cosmetic Label Examination System." The original document is available in Chinese at: <http://www.aqsic.gov.cn/cms/template/item.html?did=25&cid=2038\18558>

Effective as of April 1, 2006, the Announcement eliminated the need for a separate, preliminary examination and approval of labels used on imported and exported foods and the fee associated with that review. The label will be approved as part of CIQ's other inspection responsibilities at the port of entry.

The new policy also states that, up until October 1, 2006, labels used on imported and exported food that do not comply with China's labeling requirement can be changed to bring them into compliance. After October 1, 2006, however, any imported foods that use labels that do not comply with the relevant labeling laws will be disposed of according to "Regulations on the Enforcement of the Law of the People's Republic of China on the Inspection of Import and Export Commodities." Please refer to GAIN Report CH5071 for the unofficial translation of the Regulations, which is available at: <http://www.fas.usda.gov/gainfiles/200511/146131419.pdf>

Post believes this streamlined label approval procedure may facilitate imports. Also, importers will not be charged an additional label pre-examination fee. One potential downside, however, is that this decentralized approval process increases the likelihood of inconsistent interpretation of China's labeling requirements because every CIQ official at the port of entry is authorized to approve or reject the label as part of their other inspection responsibilities.

BEGIN TRANSLATION:

Announcement No. 44 2006
By the General Administration of Quality Supervision,
Inspection and Quarantine (AQSIQ)

March 24, 2006

In fulfillment of the spirit of the State Council's administrative approval reforms, simplification of procedures, and ease imports and exports, it is decided to modify the label examination system applicable to imported and exported foods and cosmetics as follows:

1. The label of imported foods and cosmetics must comply with China's law, regulations, and mandatory standards (which are available at AQSIQ website: www.aqsic.gov.cn); labels of exported food and cosmetic must comply the requirements of the importing countries and regions.
2. Effective on April 1, 2006, the examination of labels used on imported and exported foods and cosmetics will be combined with goods inspection and quarantine procedure; pre-examination will not be conducted anymore. CIQs at all levels will not accept label pre-examination applications for imported and exported foods and cosmetics. The Import/Export Food and Cosmetic Label Examination Certificate will not be a mandatory document for the inspection request anymore.
3. CIQs will check if the label used on imported and exported foods and cosmetics to ensure it complies with China's laws, regulations, and standards; and check the truthfulness and accuracy of quality-related content when imported and exported foods and cosmetics are subjected to inspection and quarantine. The inspection certificate of goods that meet all the requirements will be marked "Label is qualified".

Prior to October 1, 2006, any product whose label fails to meet the new standard will be given the opportunity to be changed under CIQ's supervision to meet the new standards, after which it may be released. After October 1, 2006, products whose labels fail to meet the new standard will be disposed of according to Article 19^[1] of "Regulations on the Enforcement of the Law of the People's Republic of China on the Inspection of Import and Export Commodities"; those export food and cosmetic, whose label does not comply with requirements of imported countries or regions, will be disposed according to Article 27^[2] of "Regulations on the Enforcement of the Law of the People's Republic of China on the Inspection of Import and Export Commodities."

4. All Imported/Exported Food and Cosmetic Label Examination Certificates already issued are still valid. If the labels of imported and exported foods are consistent with the content of the certificate, examination of the label will not be required.

Those who need new certificates because of the labeling requirements contained in "GB7718 – 2004: General Rules of Prepackaged Food Labeling" and "GB13432 – 2004: General Standard of Labeling for Pre-packaged Food of Special Dietary Use." must renew their certificates according to the requirements of "Notification on Renewal of Imported Food Label Examination Certificate" released by AQSIQ's Import/Export Food Label Office on December 9, 2005. Renewal of such certificates will be accepted until May 1, 2006. After that, any certificates that do not comply with the new labeling laws, regulations, or standards' will automatically become invalid.

5. CIQ's inspection and quarantine services on import/export food and cosmetics includes all label examinations and reviews. Charges for these services are included in the inspection fees. No additional or specific charges will be levied for label examination and approval.

[End Translation]

[¹ Article 19 Unless provided otherwise by laws and administrative regulations, the exit and entry inspection and quarantine institutions shall order the parties concerned to destroy the import commodities subject to mandatory inspection that are found via inspection to have failed to meet the standards for personal life and property safety, health and environmental protection. They may also issue a return notice and notify custom in writing. With the return notice, customs shall handle the formalities of shipping the goods back. Goods failing to meet other standards may be technically treated under the supervision of the exit and entry inspection and quarantine institutions and may be sold or used only after they are found to have met these standards through re-inspection. If the parties concerned apply to the exit and entry inspection and quarantine institutions for certification, these institutions should issue certificates in a timely manner.

If the exit and entry inspection and quarantine institutions find that complete sets of imported equipment and related materials fail to pass inspection, they shall issue a notice to forbid their installation and use. Only goods that have been technically treated and have passed re-inspection by the exit and entry inspection and quarantine institutions may be installed and used.]

[² Article 27 If the export commodities subject to mandatory inspection fail to pass inspection by the exit and entry inspection and quarantine institutions or the port-based exit and entry inspection and quarantine institutions, technical treatment may be carried under the supervision of the exit and entry inspection and quarantine institutions. Only the export commodities that pass re-inspection shall be allowed to be exported; if the export commodities cannot be treated technically or fail to pass re-inspection after treatment, they shall not be allowed to be exported.]